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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,598	05/30/2001	Domenic Cosentino	COSE3001/JEK	4955
23364	7590	06/02/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			TORRES VELAZQUEZ, NORCA LIZ	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,598

Applicant(s)

COSENTINO, DOMENIC

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 16, 2004 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 10-12 of response, filed March 16, 2004, with respect to the rejection(s) of claim(s) 1-15 under 35 U.S.C. 102(b) over STRAPAZZINI and claims 1-4, 7-8 and 11-15 under 35 U.S.C. 102(b) over ECKENROTH (US 3,423,276) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of PONCHAUD et al. (US 5,604,006) in view of COSCIA et al. (US 4,781,952).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over PONCHAUD et al. (US 5,604,006) in view of COSCIA et al. (US 4,781,952).

Art Unit: 1771

The reference teaches that a label, decal, logo plate, badge, graphic or insignia can be adhesively secured to one side of a decorative insert, and a thermoplastic backing can then be inmolded to the opposing side of the decorative insert. The reference further teaches that the finished product can be used for interior trim applications for automobiles. PONCHAUD et al. teaches a composite article 10 that includes a decorative insert, inlay, foil or preform 12 having an exterior surface 14 and an interior surface 15 (Fig. 3) to which is firmly secured a thermoplastic body 18. The label 16 includes a thermoplastic layer 20. The label 16 is recessed into the exterior surface 14 of the decorative insert 12, and can either be partially recessed into the decorative insert 12 or fully recessed into the decorative insert 12. (Column 2, lines 63-67 through Column 3, lines 1-25) The decorative insert 12 comprises a thin sheet of thermoplastic material and the reference further teaches that it can also comprise a thermoplastic substrate, which has a wood grain print on its exterior surface. (Column 4, lines 23-43)

It is the Examiner's interpretation that the thermoplastic substrate 12 of PONCHAUD et al. equates to the main plate of the present invention, the label 16 equates to the insert plate of the present invention and the thermoplastic body 18 equates to the backing member of the present invention. It is noted that the reference clearly teaches that the label 16 is recessed into the decorative insert 12. The Examiner further interprets the recessed area in the thermoplastic substrate 12 of the reference as an opening.

However, PONCHAUD et al. fails to specifically teach the use of an adhesive element on the backing member on a surface opposite a surface upon which the main plate is mounted.

COSCIA et al. is directed to a decorative article for use in automobile surfaces such as those in the passenger compartment. (Column 1, lines 13-20) The reference teaches the use of

Art Unit: 1771

various substrates and teaches that means for mounting may include a layer of adhesive material and teaches the use of a pressure sensitive adhesive. (Column 3, lines 10-14)

Since both references are directed to decorative articles for use in interior trim applications for automobiles, the purpose disclosed by COSCIA et al. would have been recognized in the pertinent art of PONCHAUD et al.

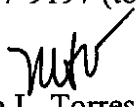
It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the label bearing article of PONCHAUD et al. and provide with an adhesive element/layer such as pressure sensitive adhesive with the motivation of providing a means for mounting the label bearing article to the automobile surface without the use of fasteners as disclosed by COSCIA et al. (Refer to Column 1, lines 17-19 and Column 3, lines 10-14).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Norca L. Torres-Velazquez
Examiner
Art Unit 1771

May 26, 2004


ELIZABETH M. COLE
PRIMARY EXAMINER